

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-37 are pending in the application. No claims are newly added, amended, or cancelled herein.

In the outstanding Office Action, Claims 1, 3, 4, and 9 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 5, and 9 of co-pending Application No. 11/111,870; Claims 2, 5-8, and 10-14 were objected to as dependent on rejected base Claim 1, but were otherwise indicated as allowable if rewritten in independent form; and Claims 15-37 were indicated as allowed. Applicants acknowledge with appreciation the indication of allowable subject matter.

With respect to the rejection of Claims 1, 3, 4, and 9, Applicants traverse the double patenting rejection. However, to expedite progress towards an allowance, Applicants have filed a Terminal Disclaimer herewith relative to co-pending Application No. 11/111,870.

The filing of a terminal disclaimer is to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The “filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption or estoppel on the merits of the rejection.” *Quad Environment Technologies Corp. v. Union Sanitary District*, 946 F. 2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants’ filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

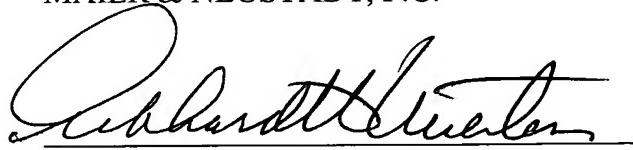
Consequently, as Claims 2, 5-8, and 10-14 are dependent upon Claim 1, for which a Terminal Disclaimer has been filed, the objection to Claims 2, 5-8, and 10-14 is moot.

Application No. 10/753,324  
Reply to Office Action of August 9, 2006

Accordingly, in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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